



NORFOLK

Inter Departmental Memorandum

TO: Norfolk City Council

FROM: Bryan Pennington, Director of Intergovernmental Relations

COPIES TO: Constitutional Officers, Council Appointees, and Senior Executive Staff

SUBJECT: 2014 General Assembly Activity Report # 3, week ending 1/31/14

DATE: January 31, 2014

[Norfolk's 2014 Legislative Priorities](#), adopted by Council Resolution, requests the 2014 General Assembly to consider: 3 Budget Amendment Requests; 3 Legislative Requests; and 10 Legislative Priorities. This memo is intended to be an update to last week's GA Activity Report # 2, week ending 1/24/14.

GA Activity Report # 3 has been organized to provide brief updates on the city's legislative requests and priorities and for the purpose of identifying other relevant legislative bills/amendments of interest or concern to the Administration.

Norfolk's 2014 Legislative Requests Update:

1. [SJ 3 \(Locke\)](#) / [SJ 34 \(McWaters\)](#) / [HJ 16 \(Stolle\)](#): Request for the General Assembly to establish a joint subcommittee to formulate statewide recommendation for addressing recurrent flooding.

The proposed Joint Subcommittee would provide the General Assembly with oversight of significant issues currently impacting Virginians living and working in flood prone areas. If created this Subcommittee comprised of legislators would begin the development of a Commonwealth-specific comprehensive, cost effective and practical recurrent flooding mitigation strategy. Working with a host of groups and state agencies, VIMS found that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20-50 years).

SJ 34 (McWaters) was incorporated into SJ 3 (Locke) as a friendly gesture of bipartisan support. SJ 3 (Locke) passed the Senate Rules Committee on 1/17, passed the full Senate on 1/22, and has been referred to the House Committee on Rules. Staff has no concerns w/ SJ 3 (Locke).

HJ 16 (Stolle) passed House Rules Studies Subcommittee Committee on Thursday 1/30. Delegate Stolle accepted a friendly amendment to reduce the number of members appointed to the recurrent flooding subcommittee to only 11 members (8 legislators + 3 citizen appointments). HJ 16 will be heard by the full House Rules Committee on Friday (2/7). Staff has no concerns with HJ 16 passing at this time.

2. [SB 198 \(Alexander\)](#) / [HB 399 \(A. Howell\)](#): City of Norfolk Charter Changes

Norfolk has combined two City Charter amendment requests into one legislative bill. The Council has requested to change Norfolk's Charter so that the Council is only statutorily required to meet once per month, like most Virginia local governments. If passed, Council will still retain the authority to decide for itself the frequency of meetings over and above once per month. The second City Charter amendment seeks to authorize the creation of a new Deputy Chief of Police position.

SB 198 (Alexander) unanimously passed Senate Local Government on 1/30 and has been introduced to the full Senate for consideration. Staff has no concerns w/ SB 198 passing the Senate.

HB 399 (A. Howell) unanimously passed the House on 1/22 and has been referred to the Senate Local Government Committee. Staff has no concerns w/ HB 399 passing the Senate.

3. [SB 90 \(Alexander\)](#) / [HB 401 \(A. Howell\)](#): Request to increase Norfolk School Board Member Term

Norfolk has requested that the General Assembly to increase the Norfolk School Board member terms from 2 years to 3 years. SB 90 (Alexander) unanimously passed the Senate on 1/14 and has been assigned to the House Committee on Education. HB 401 (A. Howell) unanimously passed the House on 1/23 and has been referred to the Senate Education and Health Committee.

Staff has no concerns with either bill passing at this time.

Update on Norfolk's 2014 Legislative Priorities

Legislative Priority	Relevant Bills	Description
Oppose Uranium Mining	None	All legislative efforts/initiatives appear halted.
Oppose enactment of the Opportunity Education Institute (OEI)	HB 113 (Marshall)	Repeals OEI. Assigned to House Education Subcommittee on Education Reform. Norfolk supported bill.
	HB 1091 (Garrett)	Identical bills to limit the number of schools that would be transferred to the OEI to those denied accreditation for the previous two years. SB 465 has been amended to removes the authority of the OEI to elect to take over a school that has not met the requirements for full accreditation for three consecutive years. Norfolk is opposed to both bills.
	SB 465 (Newman)	
	SB 499 (Hanger)	Delays the initial transfer of supervision of certain public schools from the local school boards to OEI by one year. No activity to support. Passed Senate Education and Health

	HB 1003 (Greason)	<p>Committee on 1/30 8Y-7N.</p> <p>Provides OEI funding.</p> <p>*Senator Locke has submitted a Budget Amendment to defund OEI by \$600k taking its funding provision by Governor McDonnell to \$0.</p>
Address deficiencies in the 1995 Public Private Transportation Act (PPTA)	HB 1136 (Joannou) SB 26 (Alexander) SB 165 (Locke) HB 349 (James) HB 346 (James)	<p>Prohibits the inclusion in a comprehensive agreement under the Public-Private Transportation Act of 1995 of a schedule of tolls or user fees for a road, highway, tunnel, or bridge unless the General Assembly, by joint resolution, has approved the schedule. Left in Committee.</p> <p>Increases time periods for public comment and submission of competing proposals and transparency in agreements pursuant to the Public-Private Transportation Act of 1995. The bill also requires a presentation to the Transportation Committees, Senate Finance Committee, and House Appropriations Committee of the General Assembly for projects in excess of \$1 billion. The bill was stricken at the Patron's request.</p> <p>Provides that no comprehensive agreement providing for the lease, operation, or transfer of ownership of a qualifying transportation facility under the Public-Private Transportation Act with a total value of more than \$1 billion and having a substantial negative impact on the tax revenues of an affected jurisdiction or substantially increasing the taxes, fees, or expenses that will be paid by residents of an affected jurisdiction may be executed by a state agency unless (i) approved by the Governor and (ii) a bill that includes a specific description of the proposed agreement and its anticipated expenditures and revenues is passed by the General Assembly. SB 165 (Locke) stricken at the Patron's request. HB 349 (James) and HB 346 (James) both waiting</p>

		for subcommittee action.
Align the Commonwealth Transportation Board Appointments based upon congressional districts	HB 379 (Surovell) SB 511 (Wagner)	<p>Changes the composition of the CTB so that one member will be appointed from each of Virginia's congressional districts and three will be at-large appointees. Waiting for committee action.</p> <p>KILLED 1/15: Changes the composition of the CTB so that one member will be appointed from each of Virginia's 11 congressional districts instead of from each of the 9 highway construction districts. The five at-large members and four ex officio members remain unchanged.</p>
Conduct a review of the equity of Virginia's current provisions for allocating highway and transportation funding	SJ 72 (Wagner)	Directs JLARC to review the equity of transportation funding in light of new revenues and because such a study has not been conducted in 30 years. SJ 72 (Wagner) has been continued till the 2015 Session, which means the legislation is still active just tabled until the 2015 Session for reconsideration.
Equitably distribute apportionment of outstanding teacher retirement plan liability	None	NA
Provision of sufficient state funding for additional unfunded Family Access to Medical Insurance Security (FAMIS) administrative responsibilities	Budget Amendments pending	Several budget amendments have been introduced.
Restrict the Governor's HRT Board Appointments to the candidates provided by the HRT member local government council	None	No bills have been introduced.
Local option plastic bag regulations	SB 320 (Ebbin) HB 1381 (Morrissey)	<p>Authorizes localities in Planning District 8 by ordinance to impose a tax on disposable paper bags and disposable plastic bags. SB 320 failed to pass in Senate Finance Committee.</p> <p>Imposes a tax of five cents (\$0.05) beginning</p>

		<p>on July 1, 2014, on plastic bags used by purchasers to carry tangible personal property purchased in grocery stores, convenience stores, or drug stores. HB 1381 failed to pass Committee.</p> <p>*Senator Ebbin has asked to again partner with Norfolk during 2015 Session seeking local option authority.</p>
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A complete list of State Budget amendments can be found at these links: [HB 29](#) / [SB 29](#) and [HB 30](#) / [SB30](#).

2014 General Assembly Legislation of Interest

[SB 260 \(Deeds\)](#)—passed Senate Education and Health Committee and has been referred to the Senate Finance Committee giving its potential financial impact. If passed SB 260 would extend the time that a person may be held against their will pursuant to an emergency custody order—increasing the time from 6 hours to 24 hours. The bill also mandates state hospitals to provide a “bed of last resort” for temporary detained persons.

[HB 484 \(Kory\)](#)—would direct school board to adopt policies banning e-cigarette use on school property, on school buses and at all school events. The bill narrowly passed a House Subcommittee on Wednesday. More than 100 localities have already adopted rules against the devices with 11 states already prohibiting e-cigarette use by minors.

[HB 973 \(Cline\)](#)—repeals existing authority localities like Norfolk have to operate photo-monitoring systems for traffic enforcement. Despite several local governments opposing, it sailed out of House Transportation Subcommittee # 1 this week 7-0. Delegate Cline told subcommittee members that “studies show mixed results on the safety and effectiveness of the automated cameras at intersections.” Local governments told the subcommittee that red light cameras have reduced the number of crashes, particularly side-impact collisions. However, HB 973 supporters told subcommittee members red light cameras are “illegal traps” to raise revenue and that red light cameras have actually increased the number of rear end collisions.

HB 973 will be heard by the full House Transportation Committee on Tuesday (2/4). Chief Goldsmith is sending his representative to testify before the Committee along with several other partnering local governments, including Virginia Beach and Newport News.

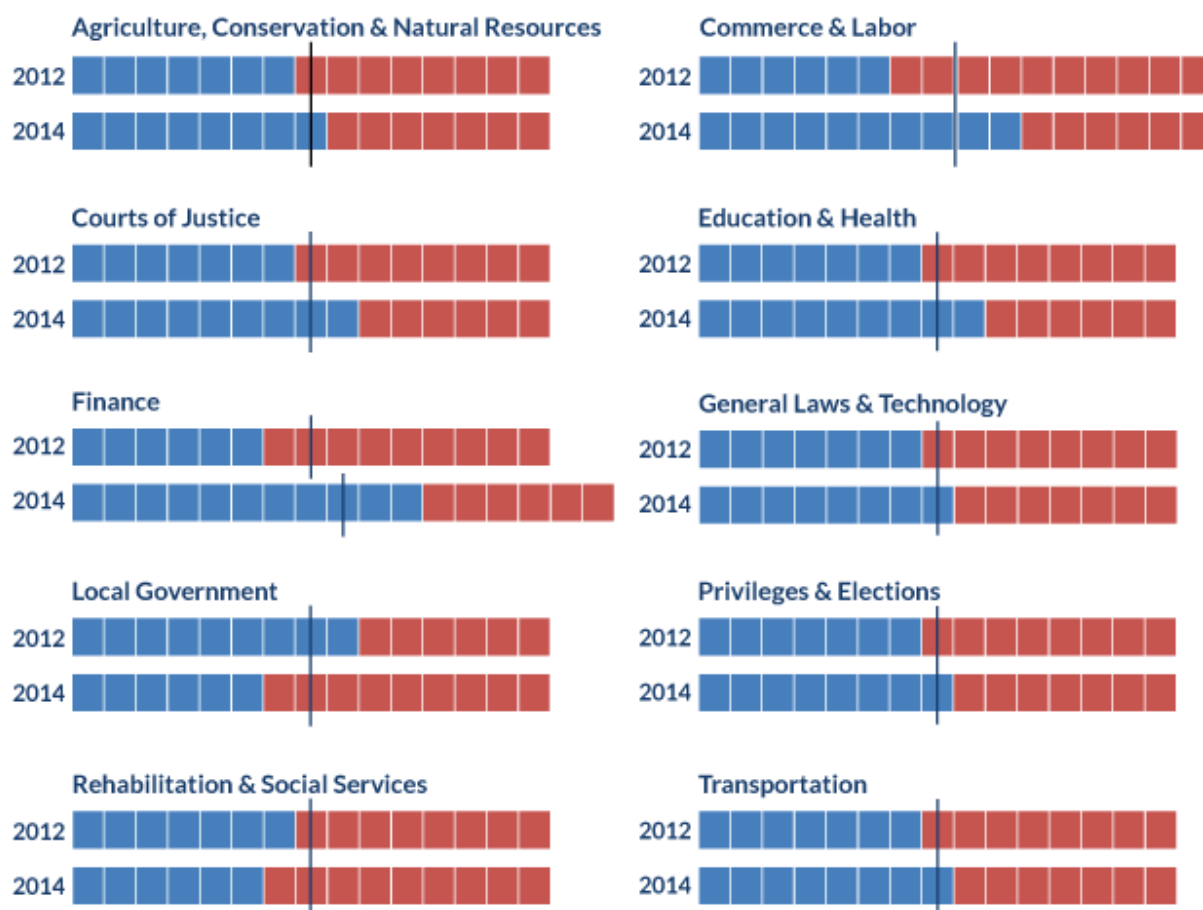
Visualizing the Virginia Senate Committee Power Shift (source: VPAP.org)

Following Democrat Lynwood Lewis’ swearing in as Senator, the State Senate now has an even partisan split of 20-20. However, with Lt. Governor Northam casting most tiebreaking votes, the Democrats effectively took control of the Senate chamber on Tuesday (1/28).

The visualization below shows the partisan shift in committee membership from 2012, when Republicans had Lt. Governor Bolling’s tie-breaking vote.

Senate Committee Changes

OVERALL COMMITTEE MEMBERSHIP SHIFT*



*Does not include members of Rules Committee

SOURCE: Virginia Public Access Project

Additional bills and budget amendments may be added in the weeks ahead as proposals are being finalized by Legislative Services or amended in Committees. During the General Assembly session, please feel free to contact Bryan Pennington for any questions or concerns at bryan.pennington@norfolk.gov or by cell phone at **757-274-7120**.

2014 General Assembly Session Statistics as of 1/31/14 10 a.m

Type	Introduced	Passed House	Passed Senate	Passed	Cont'd to next session	Failed	Pending
H.B.	1272	273	1	1	39	58	1174
H.J.R.	245	110	107	107	0	0	138
H.R.	100	75	0	28	0	16	56
S.B.	672	0	229	0	39	147	486
S.J.R.	118	56	73	56	18	3	41
S.R.	26	0	20	20	0	0	6
Totals	2433	514	430	212	96	224	1901

2014 General Assembly Legislative Calendar

Date	Events and activities for the 2014 Session
February 3 rd	House Appropriations & Senate Finance Committees present their budgets
February 6 th	VML Local Government Day (Vice Mayor Williams, Councilman Smigiel)
February 11 th	Cross-over day. Each house completes work on its own legislation; except state budget
February 14 th	Houses of introduction completes its work on budget
February 26 th	Last day for each house to act on budget of the other house
March 3 rd	Last day for committee action on legislation
March 8 th	General Assembly scheduled to adjourn (Sine Die)
April 23 rd	Reconvened (veto) session

Norfolk Senators	Richmond Office #	Norfolk Delegates	Richmond Office #
Senator Alexander	804-698-7505	Delegate Hester	804-698-1089
Senator F. Wagner	804-698-7507	Delegate A. Howell	804-698-1090
6 th Senate District		Delegate James	804-698-1080
		Delegate Joannou	804-698-1079
		Delegate L. Lewis	804-698-1000
		Delegate Stolle	804-698-1083

You can watch the Virginia House of Delegates live on the floor at this link:

http://virginia-house.granicus.com/ViewPublisher.php?view_id=3

You can view the Virginia Senate Chamber live on the floor at this link:

http://virginia-senate.granicus.com/ViewPublisher.php?view_id=3